

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

JOHANNA W. HUMMINGBIRD,  Plaintiff,  v.  KILOLO KIJAKAZI, Commissioner of the Social Security Administration,  Defendant.	Case No. CIV-21-39-RAW-KEW
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**ORDER AFFIRMING DECISION OF THE COMMISSIONER**

On August 23, 2022 the United States Magistrate Judge entered a Report and Recommendation in the above-referenced case, recommending that this Court affirm the Commissioner's decision upholding on appeal the findings of the Administrative Law Judge ("ALJ"), denying benefits to Plaintiff [Docket No. 23] . The Plaintiff has filed an objection to the Magistrate Judge's Report and Recommendation within the time prescribed by law. 28 U.S.C. §636(b)(1); Fed. R. Civ. P. 72(a) [Docket No. 24] and the Commissioner filed a response [Docket No. 25]. Plaintiff objects to the Magistrate Judge's Report and Recommendation asserting that the ALJ erred and remand is required because the ALJ failed to properly account for and discuss Plaintiff's mental health issues in arriving at her RFC determination and failed to properly assess the evidence of Plaintiff's complaints. The Magistrate Judge reviewed the ALJ's analysis in the RFC determination and the ALJ's accounting for claimant's probative evidence, and found that the ALJ had substantial evidence to support her determination and that correct legal standards were applied by the ALJ. Thus, the decision of the Commissioner was supported by substantial evidence.

Upon full consideration of the record and the issues herein, this court finds that the Magistrate Judge's recommendation to affirm the ALJ is well-supported. The ALJ's decision is supported by substantial evidence, and the correct legal standards were applied.

Accordingly, the Report and Recommendation of the United States Magistrate Judge is hereby AFFIRMED and ADOPTED as this court's Findings and Order. The decision of the Commissioner is affirmed.

**IT IS SO ORDERED** this 27<sup>th</sup> day of September, 2022.

A handwritten signature in cursive script, reading "Ronald A. White".

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**THE HONORABLE RONALD A. WHITE  
UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF OKLAHOMA**